

# The Gazette of India



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## NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 6th November 1950 :—

S. No.	No. and Date	Issued by	Subject
1	S. R. O. 822, dated the 30th October 1950.	Ministry of Law	Amendments in the representation of the People (Preparation of Electoral Rolls) Rules, 1950
2	S. R. O. 823, dated the 31st October 1950.	Ministry of Health	Notifying 1st November 1950 as the date on which Section 2 of the Dentists (Amendment) Act, 1950 shall come into force

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

## PART II—Section 3

**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).**

### MINISTRY OF LAW

New Delhi, the 80th October 1950

**S.R.O. 878.**—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President is pleased to direct that the following further amendments shall be made in the notification of the Government of India in the Ministry of Law, No. F 35 I/50 L, dated the 26th January 1950, relating to the execution of contracts and assurances of property, namely:—

In Part XXV of the said notification—

A. For the entries in italics in item 1(b), the following shall be substituted, namely:—

“by the Deputy Commissioner, Naga Hills (Tuensang Area), Political Officers, Mishmi Hills District, Abor Hills District, Subansiri Area, Balipara Frontier Tract (Sela Sub Agency) and Tirap Frontier Tract”

B. For the entries in italics in item 2, the following shall be substituted, namely:—

“*by the Inspector-General of Assam Rifles.*”

C. After item 2, the following item shall be added, namely:—

“B. Service contracts to be executed in connection with the recruitment of officers for the North-East Frontier Agency on behalf of the Governor of Assam; *by the Adviser to the Governor of Assam for Tribal Areas.*”

[No. F.85-V/50-L]

New Delhi, the 1st November 1950

**S.R.O. 879.**—In exercise of the powers conferred by clause (1) of article 290 of the Constitution, the President of India is pleased to direct that the following further amendments shall be made in the notification of the Government of India in the Ministry of Law, No. F.85-1/50-L, ~~dated the 20th January 1950,~~ relating to the execution of contracts and assurances of property, namely:—

In Part IV, under Head C, of the said notification—

I. For item 2, the following item shall be substituted, namely:—

“2. Contracts and other instruments relating to the business of the Posts and Telegraphs Department managed by a Postmaster-General, or the Engineer-in-Chief, Calcutta Telephones, or the Additional Chief Engineer, Technical and Development Circle, or a Director, Posts and Telegraphs, or a General Manager, Telephones, or a District Manager, Telephones, or the Director of Telegraph Stores and Workshops, or the Senior Electrical Engineer, or the Chief Electrician, Wireless, or the Manager, Bombay Telephone Workshop, or a Superintendent of Telegraph Workshops, or a Divisional Engineer, Telegraphs, or a Divisional Engineer, Telephones, or a Controller of Telegraph Stores; *by such Postmaster-General or such Engineer-in-Chief, Calcutta Telephones, or such Additional Chief Engineer, Technical and Development Circle or such Director, Posts and Telegraphs, or such General Manager, Telephones, or such District Manager, Telephones, or such Director of Telegraph Stores and Workshops, or such Senior Electrical Engineer, or such Chief Electrician, Wireless, or such Manager, Bombay Telephone Workshop, or such Superintendent of Telegraph Workshops, or such Divisional Engineer, Telegraphs, or such Divisional Engineer, Telephones, or such Controller of Telegraph Stores.*”

II. In item 4 after the words “business of the”, the words “Posts and” shall be inserted.

III. For item 5, the following item shall be substituted, namely:—

“5. Agreements or leases for hire of buildings and lands for the purpose of the Posts and Telegraphs Department or for letting out Departmental lands and buildings; *by the Postmasters-General, the Engineer-in-Chief, Calcutta Telephones, the Additional Chief Engineer, Technical and Development Circle, the Directors, Posts and Telegraphs, the General Managers, Telephones, the District Managers, Telephones, the Director of Telegraph Stores and Workshops, the Senior Electrical Engineer, the Chief Electrician, Wireless, the Divisional Engineers, Telegraphs, the Divisional*

Engineers, Telephones, the Controller of Telegraph Stores, the Superintendents of Post Offices or Railway Mail Service, First Class Postmasters or the Assistant Directors of Posts and Telegraphs."

IV. For item 6, the following item shall be substituted, namely:—

"6. Contracts for telephone connections in Calcutta, Bombay, Madras and Delhi Telephone Districts subject to the conditions and limits fixed by the Director-General, Posts and Telegraphs; by the General Manager, Telephones, or the District Manager, Telephones, or the Divisional Engineer, Telephones, or the Traffic Superintendent or the Superintending Engineers, or the Executive Engineers, or the Contract Officers of the Telephone Districts."

[No. F.85-V/50-L]

SHRI GOPAL SINGH, Dy. Secy.

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### MINISTRY OF HOME AFFAIRS

New Delhi, the 4th November 1950

**S.R.O. 880.**—In exercise of the powers conferred by sections 4, 10, 17 and 27 of the Indian Arms Act, 1878 (I of 1878) the Central Government is pleased to direct that the following further amendment shall be made in the Indian Arms Rules, 1924, namely:—

In sub-rule (2) of rule 1, of the said Rules after entry (h) the following entries shall be inserted, namely:—

- (i) Bhopal
- (j) Manipur
- (k) Tripura
- (l) Vindhya Pradesh

[No. 9/31/50-POLICE(1)]

U. K. GHOSHAL, Dy. Secy

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### MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 2nd November 1950

**S.R.O. 881.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Indian Emigration Act, 1922 (VII of 1922), the Central Government is pleased to appoint Shri K. Narayana Moorthy, officiating Protector of Emigrants, Visakhapatnam, as officiating Protector of Emigrants, Madras, with effect from the 21st October, 1950, after-noon, vice Shri T. Krishnan Nair, whose services have been replaced at the disposal of the Government of Madras.

[No. 404-M(E)]

S. N. HAKSAR, Controller-General of Emigration and Joint Secy.

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New Delhi, the 6th November 1950

**S.R.O. 882.**—In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and all other powers enabling it in that

behalf, the Central Government is pleased to direct that the following amendment shall be made in the Chandernagore (Application of Laws) Order 1950, namely:—

To the entries in the Schedule annexed to the said Order, the following entry shall be added, namely:—

1950.           The Transfer of Prisoners  
                  Act, 1950

In sub section (1) of section 3, for the words "any other State" and "the other State" substitute the words "West Bengal".

[No. 407-Eur. 1/50]

U. S. BAJPAI, Under Secy.

### MINISTRY OF STATES

New Delhi, the 8th November 1950

**S.R.O. 883.**—In exercise of the powers conferred by section 2 of the Part V States (Laws) Act 1950 (XXX of 1950) the Central Government is pleased to extend the U.P. Land Utilisation Act, 1947 (V of 1947) to the Bhopal State, subject to the following modifications, namely:—

1. Throughout the Act—

- (a) for the words "Provincial Government" wherever they occur, the words "Chief Commissioner" shall be substituted.
- (b) For the word "landlord" wherever it occurs, the word "Occupant" shall be substituted.
- (c) For the words "tenant" or "Thekadar", wherever they occur, the word "Shikmi" shall be substituted.

2. In sub-section (2) of section 1, for the words, "United Provinces" the words "State of Bhopal" shall be substituted.

3. In section 2—

For clauses (a) to (d) the following clauses shall be substituted, namely:—

- (a) "Collector" includes a Deputy Collector or any other officer especially empowered by the Chief Commissioner for the purposes of this Act;
- (b) "Land" includes a holding and has the same meaning as assigned to it in the Bhopal Land Revenue Act;
- (c) "Occupant" has the same meaning assigned to it in the Bhopal Land Revenue Act and includes a Jagirdar or Maufdar as defined in the said Act;
- (d) Expressions used in this Act and not defined herein shall have the meanings assigned to them in the Bhopal Land Revenue Act 1932.

4. In section 8—

- (a) In sub-section (1) the words "in the United Provinces Tenancy Act, 1939, or" and the first proviso to the said sub-section shall be omitted;
- (b) For the words "Chaupal" in sub-section (2) the words "house of the said occupant" shall be substituted.
- (c) Sub-sections (5) and (6) shall be omitted.

5. Section 9 shall be omitted.

[No. 186-J.]

S. NARAYANSWAMY, Dy. Secy.

**MINISTRY OF COMM**

**IMPORT TRADE CONTROL**

*New Delhi, the 3rd November 1950*

**S.R.O. 884.**—In exercise of the powers conferred by sub-section (i) of section 8 of the Imports & Exports (Control) Act, 1947 (VIII of 1947), the Central Government is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the late Department of Commerce No. 23-ITC/43, dated the 1st July, 1943 as republished with the Ministry of Commerce Notification No. 14-ITC/48, dated the 20th November, 1948 and as continued in force by section 4 of the said Act, namely:—

- (i) In the Schedule annexed to the said Notification in Part II for the entry in column 2 against S. No. 26(2), for the words "Graphite crucibles for tilting furnaces" the words, "Graphite crucibles including covers, muffle rings and stands for tilting furnaces" shall be substituted;
- (ii) In the Schedule annexed to the said Notification in Part VI, for the entry in column 2 against S. No 8 for the words "Furnaces, electrical, coke, coal, gas or oil fired" the words "Furnaces, electrical, coke, coal, gas or oil fired excluding covers, muffle rings and stands for tilting furnaces" shall be substituted.

[No. 48-ITC/50.]

R. J. PRINGLE, Joint Secy:

**MINISTRY OF AGRICULTURE**

*New Delhi, the 3rd November 1950*

**S.R.O. 885. Corrigenda.**—Ministry of Agriculture Notification No. S.R.O 799, dated 25th October 1950, published in *Gazette of India Extraordinary*:—

- (i) In line 1—  
*For "S.R.O. 795"*  
*Read "S.R.O. 792C".*
- (ii) In line 7—  
*For "Column"*  
*Read "Column I".*

[No. SV-105(2)/50-51]

T. PRASAD,

Officer on Special Duty,  
for Joint Secretary to the Government of India.

*New Delhi, the 1st November 1950*

**S.R.O. 886.**—In exercise of the powers conferred by section 8 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Sugar and Gur Control Order, 1950, namely:—

In the said Order—

In sub-clause (c) of clause 2 for the words "Gur, Gul, Jaggery, Palmyra jaggery, Shakkar and Rab" the words "Gur, Gul Jaggery, Shakkar and Rab" shall be substituted.

[No. SV-105(2)/50-51]

New Delhi, the 11th November 1950

**S.R.O. 887.**—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Vegetable Oil Products Control Order 1947, namely:—

In clause 5 of the said order, for the words 'recognised dealer', wherever they occur, the word 'dealer' shall be substituted.

[No. 2-VP(2)/50.]

N. T. MONE, Joint Secy.

### MINISTRY OF HEALTH

New Delhi, the 31st October 1950.

**S.R.O. 888.**—In exercise of the powers conferred by section 14 of the Indian Medical Council Act, 1933 (XXVII of 1933) the Central Government is pleased, after consultation with the Medical Council of India, to direct that the following further amendments shall be made in the Second Schedule to the said Act, namely:—

In the said Schedule—

(a) in the Table set forth therein, in the column under the heading "Qualifications" against the entry relating to United Kingdom for the word and letter "Table F" the word and letter "Table D" shall be substituted; and

(b) in foot-note (a) for the word and letter "Table I" the word and letter "Table F" shall be substituted.

[No. F.17-81/50-MI]

New Delhi, the 4th November 1950

**S.R.O. 889.**—In pursuance of entry No. 5 in Schedule D to the Drugs Rules, 1945, the Central Government is pleased to exempt the following drugs specified in Schedule C(1) to the said Rules from the provisions of Chapter III of the Drugs Act, 1940 (XXIII of 1940) and the rules made thereunder which require them to be covered by import licences, subject to the condition that the exemption will be confined to holders of licences in Form 28 of Schedule A to the said Rules:—

*List of exempted drugs—*

1. Adrenaline powder.
2. Digitalis.
3. Ergot.
4. Vitamins.
5. Hormones.

[No. F.11-84/50-DS]

J. N. SAKSENA, Under Secy.

New Delhi, the 1st November 1950

**S.R.O. 890.**—In exercise of the powers conferred by clause (iii) of rule 10 of the Indian Aircraft (Public Health) Rules, 1946, and in supersession of the notification of the Government of India in the Ministry of Health

No. F.8-1/46-PH(II), dated the 25th February, 1948, the Central Government is pleased to approve certificates of disinsectisation from the following authorities.—

1. Ministry of Health of the United Kingdom.
2. United States Public Health Service.
3. The Government of the Netherlands.
4. The Government of the Anglo-Egyptian Sudan.
5. The Government of Pakistan.
6. The Government of Egypt.
7. The British Military Administration, Eritrea.
8. The Government of Norway.
9. The Government of Switzerland.
10. Official Representatives of the French Public Health Services.
11. The Imperial Ethiopian Government, Ministry of Public Health.

[No. F.10-54/49-PH(II)]

P. S. DORASWAMI, Under Secy,

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## MINISTRY OF COMMUNICATIONS

### POSTS AND TELEGRAPHS

New Delhi, the 2nd November 1950

**S.R.O. 891.**—In exercise of the powers conferred by section 10 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Post Office Rules, 1938, namely:—

(I) After rule 6, the following Note shall be added, namely:—

“Note.—At least 25 per cent. of all air mails fees shall be prepaid. The registration fee in the case of registered articles shall be in addition to the charges mentioned in the schedule.”

(II) In the schedule of Air Mail Fees appended to Rule 6, (1) After the entry relating to Palestine, the following shall be inserted in columns (1) to (4) thereof respectively, namely:—

“Israel 0-14-0      0-6-0”.

(2) For the word “Transjordan” occurring in column 1 thereof, the word “Jordan” shall be substituted.

[No. D-84-11/49.]

New Delhi, the 3rd November 1950

**S.R.O. 892.**—In exercise of the powers conferred by sub-rule (5) of rule 452 of the Indian Telegraph Rules, 1932, the Central Government is pleased to direct that, with effect from the 16th December 1950, the Message Rate System shall be introduced at Allahabad.

[No. PIIA. 48-4/50.]

K. V. VENKATACHALAM, Dy. Secy.

**MINISTRY OF RAILWAYS**  
**(Railway Board)**

New Delhi, the 1st November 1950

**S.R.O. 893.**—In pursuance of sub-section (1) of section 3 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to declare that the Administration of the South Indian Railway shall be liable to pay, in aid of the funds of the Salem Municipality, the scavenging tax levied by the said municipality.

[No. F(X)II-50/TX14/2]

**S.R.O. 894.**—In pursuance of sub-section (1) of section 3 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to declare that the Administration of the East Indian Railway shall be liable to pay, in aid of the funds of the Serampore Municipality, the water and lighting taxes levied by the said municipality.

[No. F(X)II-50/TX12/9]

**S.R.O. 895.**—In pursuance of sub-section (1) of section 3 of the Railways (Local Authorities' Taxation) Act, 1941 (XV of 1941) the Central Government is pleased to declare that the Administration of the South Indian Railway shall be liable to pay, in aid of the funds of the Tuticorin Municipality, the scavenging tax levied by the said municipality.

[No. F(X)II-50/TX14/4]

New Delhi, the 4th November 1950

**S.R.O. 896.**—In pursuance of sub-section (1) of section 3 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941) the Central Government is pleased to declare that the Administration of the South Indian Railway shall be liable to pay, in aid of the funds of the Rajapalayam Municipality, the scavenging tax levied by the said Municipality.

[No. F(X)II-50/TX-14/6.]

**S.R.O. 897.**—In exercise of the powers conferred by clause (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (IX of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry No. 801, dated the 24th March 1905, the Railway Board hereby make the following further amendments in the notification of the Government of India in the late Railway Department (Railway Board) No. 1080-T, dated the 18th February 1926, namely:—

In the said notification:—

1. In section I for clauses (1) and (2) of Rule 1, the following clauses shall be substituted:—

“(1) When freight is levied on a maund or ton basis upon the actual weight of the consignment, if known; and if the actual weight is not known, upon the chargeable weight;

(2) When freight is levied on the vehicle in which the goods are carried upon the carrying capacity of such vehicle, except when the actual weight is shown in the invoice in which case the wharfage will be calculated upon such weight.”

**2.** In section II for the note below Rule 10, the following substituted:—

“**Note.**—Daylight hours are as notified by each Railway from time to time to suit local conditions. Demurrage will be charged for every hour, day or night in excess of the free time.”

[No. 995-TG]

S. S. RAMASUBBAN, Secy.

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## MINISTRY OF WORKS, MINES AND POWER

New Delhi, the 2nd November 1950

**S.R.O. 898.**—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government is pleased to direct that the following amendment shall be made in the Mineral Concession Rules, 1949, namely:—

In rule 45 after the second proviso, the following proviso shall be added,—

“provided further that the application for prior approval of the Central Government under this rule shall be made through the State Government concerned by the lessor”.

[No. M II-159(2)]

M. MALHOTRA, Under Secy.

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## MINISTRY OF REHABILITATION

New Delhi, the 4th November 1950

**S.R.O. 899.**—In exercise of the powers conferred by section 25 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) and in supersession of this Ministry's Notification No. S.R.O. 866, dated the 3rd August 1950, the Central Government is pleased to nominate each of the District Judges specified in column 1 of the sub-joined table, to hear appeals under sub-section (1) of the said section within the local limits of his jurisdiction in the State of Bhopal specified in the corresponding entry in column 2 of the said table.

### THE TABLE

District Judge	Local limits of jurisdiction
1. Shri Mohd. Afzal Qureshi, District Judge, Schore.	Within his own District.
2. Shri Sayed Abdul Karim, District Judge, Raisen.	Within his own District.

[No.14(59)/Cus/50]

KAILASH CHANDRA, Under Secy.

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## Office of the Chief Claims Commissioner

New Delhi, the 8th November 1950

**S.R.O. 900.**—In exercise of the powers conferred by section 16 of the Displaced Persons (claims) Act, 1950 (XLIV of 1950) the Central Government is pleased to direct that the following amendment shall be made in the Displaced Persons (Registration of Claims) Rules, 1950 —

In the proviso to sub-rule (i) of rule 3 of the said rules, after clause (ii) the following clause shall be inserted, namely:—

(iii) That a claim may be submitted by registered post to the Joint Chief Claims Commissioner after the period prescribed by or

under this rule but so as to reach him not later than the 80th November, 1950 and the Joint Chief Claims Commissioner may, if the claim is in proper form, register it, if he is satisfied that the claimant had sufficient cause for not submitting the claim within the aforesaid period.

[No. I(1)/CCC/G.-50.]

**S.R.O. 901.**—This office Notification of even number dated the 31st October 1950 is hereby cancelled.

[No. 1(1)/CCC/G-50.]

S. B. CAPOOR, Joint Chief Claims  
Commissioner and Joint Secy.

*New Delhi, the 27th October 1950*

**S.R.O. 902.**—In exercise of the powers conferred by Section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to make the following rules, namely:

## CHAPTER I

### PRELIMINARY

**1. Short title.**—These rules may be called the Displaced Persons (Verification of Claims) Rules, 1950.

**2. Definitions.**—In these rules—

- (i) "the Act" means the Displaced Persons (Claims) Act, 1950 (XLIV of 1950);
- (ii) "claimant" means a person whose claim has been registered under sub-section (2) of sections 5 of the Act;
- (iii) "form" means a form specified in the Schedule;
- (iv) "legal practitioner" means an advocate, vakil or Attorney of any High Court, a pleader or a revenue agent and includes any person who has at any time practised before any Court;
- (v) "legal representative" means a person who in law represents the estate of a deceased claimant or on whom such estate devolves on the death of the claimant;
- (vi) "proceeding" means the hearing of a claim under the Act for the purpose of its verification and includes all steps taken under the Act or these rules in pursuance of such a claim;
- (vii) "Revising authority" means the Chief Claims Commissioner and includes any officer to whom the functions of the Chief Claims Commissioner under sub-section (8) of section 6 of the Act are delegated;
- (viii) "Schedule" means the Schedule annexed to these rules.

**3. Additional powers of Claims Officers.**—The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner and every Claims Commissioner and Claims Officer, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:

- (a) to order the substitution and continuation of a proceeding by the legal representatives of a claimant in the event of his death;

(b) to order, with the consent of the claimants concerned, ~~consent~~ of proceedings in two or more cases, where the evidence on behalf of the claimants may be similar and common questions of law and facts are involved;

(c) to correct any clerical or arithmetical mistake or error in any order or proceeding arising therefrom from an accidental slip or omission;

(d) to review an order on any of the following grounds, namely:—

- (i) the discovery of new or important matter or evidence which after the exercise of due diligence was not within the knowledge of or could not be produced by, the claimant at the time when the claim was verified; or
- (ii) on account of some mistake or error apparent on the face of the record; or
- (iii) for any other sufficient reason;

(e) to order deposit of postal and other charges for the summoning of witnesses within a time to be specified.

## CHAPTER II

### PROCEDURE FOR VERIFICATION

**4. Notice to claimants.**—At least fifteen days before the date of hearing of a claim, the Claims Officer shall cause to be sent to the claimant a notice in Form A informing him about the date of hearing.

**5. Appearance before Claims Officer.**— Subject to the provisions of rule 10 a claimant may appear before a Claims Officer either in person or through an agent duly authorised by him in writing to appear on his behalf:

Provided that where the claimant is a minor or other person under a disability, he may appear through a guardian or a next friend.

6. Where a claimant after a notice under rule 4 has been duly served upon him, fails to appear either in person or through a duly authorised agent on the date of hearing, the Claims Officer shall determine the claim *ex parte*:

Provided that the Claims Officer may on application made to him within sixty days of the *ex parte* order re-open the case if he is satisfied that there was sufficient cause for non-appearance of the claimant on the appointed date.

**7. Witnesses and assessors.**—(1) A party to any proceeding, who wants any witnesses to be summoned shall file a list of witnesses with their complete addresses and shall also deposit a sum of money sufficient to cover the diet money and travelling expenses of the witnesses. A list in duplicate of documents which any witness is called upon to produce shall also be filed.

(2) Summons to witnesses shall issue in form 'B' and summons to assessors in form 'C' of the Schedule and all the provisions of order XVI of the Code of Civil Procedure, 1908, shall, so far as may be, apply to such summons.

(3) Witnesses and assessors who attend any proceeding shall be paid diet money and travelling allowances—

- (a) in the case of witnesses in accordance with the scale prescribed in this behalf for civil suits in the locality where the proceeding is being conducted;
- (b) in the case of assessors, in accordance with the scale prescribed for assessors in a Sessions case by the High Court of the State where the proceeding is held.

**8. Persons abroad or in Armed Forces etc.**—(1) A claimant serving in the Armed Forces or residing outside India may in lieu of appearing in a proceeding either personally or through an authorised agent make a statement on oath—

- (a) in the case of a claimant serving in the Armed Forces, before the Commanding Officer of his Regiment;
- (b) in the case of a person residing in a country outside India, before the representative of the Government of India in that country or an officer nominated by such representative for the purpose.

(2) The Commanding Officer or the representative of India, or such nominated officer as the case may be, shall forward to the officer conducting the proceedings, the statements so recorded together with documents that may be produced by the claimants and the depositions of the claimants and the documents produced by them shall form a part of the record of the case, notwithstanding anything contained in rule 6.

**9. A Claims Officer shall hold every proceeding under the Act in an open place to which the public may generally have access so far as the same can conveniently contain them:**

Provided that the Claims Officer may if he thinks fit, order at any stage of a proceeding of any particular case, that the public generally or any particular person shall not have access to, or be, or remain in the room or building used by the Claims Officer.

### CHAPTER III

#### REVISION

**10. Definition.**—In this chapter, the expression “appropriate revising authority” means the revising authority having jurisdiction in the area where the claim or a part of a claim is verified.

**11. Petition for revision.**—(1) A claimant may within one month of the date of any order made by a Claims Officer make a petition for revision of that order to the appropriate revising authority.

(2) Every such petition for revision shall be accompanied by a copy of the order of the Claims Officer against which it has been filed and shall set forth concisely and under distinct heads the grounds of objection to such order without any argument or narrative.

(3) Every such petition shall be accompanied by a treasury receipt or a crossed Indian Postal Order payable to the Joint Chief Claims Commissioner for a sum of Rupee one; provided that where the petitioner resides outside India, the petition may be accompanied by a receipt of the amount of fee issued by an officer authorised in this behalf by the representative of India in the country where the petitioner resides.

**12. Presentation.**—A petition for revision shall be presented either in person or through an agent duly authorised in writing or sent by registered post to the appropriate revising authority.

**13. Registration of Revision petition.**—Every revision petition made under rule 12 and every case in which a revising authority *suo motu* exercises the power of revision conferred by the proviso to sub-section (3) of section 6 of the Act, shall be registered in a register to be maintained for the purpose in Form D of the Schedule.

**14. Hearing of Revision Petition.**—(1) A revising authority after sending for the record of the case and after giving the petitioner an opportunity of being heard, may pass such order on the revision petition as it thinks fit.

(2) Where a Claims Officer has disposed of a claim on a preliminary point and the revising authority disagrees with the Claims Officer, the revising authority shall remand the case to the Claims Officer with the direction that the claim be decided on its merits. Provided that where the Claims Officer who originally decided the case is not available, the revising authority may send the case to such other Claims Officer as it may deem fit.

(3) Where the order of the revising authority affects more than one claimants, the revising authority may vary the order of a Claims Officer in the case of all such claimants:

Provided that no order shall be varied to the prejudice of any claimant unless he is given an opportunity of being heard.

15. **Return of records.**—After a case has been decided, the revising authority shall return the record of the case to the Central Claims Office.

16. Subject to the provisions of this Chapter the provision of Chapter II shall, so far as may be, apply in relation to the hearing of revision petition as they apply in relation to the hearing of claims.

#### CHAPTER IV

##### MISCELLANEOUS

17. **Service of notice or Order.**—(1) Every notice or order under these rules shall be served upon the claimant by registered post acknowledgment due at the last address supplied by the claimant.

(2) A notice or order shall be deemed to be duly served if the acknowledgement of the registered letter has been received or if the claimant has refused to accept such letter.

18. **Certain provisions of the Limitation Act to apply.**—The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall so far as may be, apply to every proceeding in respect of which any period of limitation is prescribed under these rules.

19. No legal practitioner shall appear in any proceeding except with the permission of, and for the reasons to be recorded in writing by the officer conducting the proceeding.

20. All statements made in any proceeding shall be on oath.

21. **Return of original documents.**—A Claims Officer may on application made by a claimant return any original document filed by the claimant if the claimant supplies at his own expense a true copy of such document made by any officer under the direction of the Claims Officer.

22. (I). A fee of annas 8 shall be levied for supplying to a claimant a copy of the final order made by a Claims Officer.

(II). The fee for copies shall be paid in the form of Indian Postal Orders, crossed in favour of Joint Chief Claims Commissioner, Delhi and attached with the application for copies.

23. The Joint Chief Claims Commissioner may, from time to time, call for such returns and statements from Claims officers as he may deem fit.

24. In so far as these rules make no provision or make insufficient provision, the provisions of the Code of Civil Procedure, 1908 shall so far as may be, apply to all proceedings under these rules.

*By Registered Post/A.D.*

Notice to a person who has filed a claim under the Displaced Persons (Claims) Act, 1950 to appear and prosecute the claim.

## SCHEDULE

### FORM 'A'

From

(Name)  
Claims Officer.

Station

To

(Name and Address of claimant)

Sir,

This is to inform you that your claim — Reg. No.  
Index No. registered at — (Place)

on — (date) in respect of property — (Description of property) shall come up  
or verification and valuation before me at — (address) in — (town) on — (date).  
Please arrange to be present in person or through an agent authorised by  
writing.

You are required to produce or cause to be produced all documents or evidence available, on the said date and place.

If you wish to summon a witness, you may within two days of receipt of this notice make an application either in person or by post to my office giving a list of witnesses and lists in duplicate of documents that you require the witnesses to produce. The diet money and travelling expenses of these witnesses should be deposited in my office or remitted by Money Order.

Given under the hand and seal of my office this — the day of — 196 .

Full Signatures of Claims Officer.

Seal

By Registered Post/A.D.

## SUMMONS TO WITNESSES

### SCHEDULE

### Form 'B'

From

(Name)  
Claims Officer.

To

Name and address of witness.

Sir,

Whereas — your attendance is required  
you are required only to produce documents by — (Name of claimant)  
in the matter of verification and valuation of claims, you are hereby required

\*appear before me and to bring with you the documents mentioned in the attached  
to produce or cause to be produced list on \_\_\_\_\_ forenoon. You are required to appear at \_\_\_\_\_  
in \_\_\_\_\_ .

A sum of Rs. \_\_\_\_\_ has been provisionally deposited by the claimant towards your subsistence allowance, travelling expenses and other charges. If you fail to comply with the order without lawful excuse, you will be subject to the consequences of non-attendance laid down in Rule 12 of the Order 16 of the Code of Civil Procedure, 1908.

Given under the hand and seal of my office this \_\_\_\_\_ th day of 1950  
Claims Officer's Signature.

Seal

By Registered Post/A.D.

**SUMMONS TO ASSESSOR**

**SCHEDULE**

**FORM 'C'**

From \_\_\_\_\_  
Claims Officer.

Station \_\_\_\_\_

To \_\_\_\_\_  
Reference claim \_\_\_\_\_ Registration No. \_\_\_\_\_ Date of hearing \_\_\_\_\_  
Index No. \_\_\_\_\_

Sir,  
For the purpose of assessing the correct value of the above claim filed by \_\_\_\_\_  
(Name of claimant) in respect of property situated in \_\_\_\_\_ (full description of property)  
you are hereby required to attend before me at \_\_\_\_\_ (location and address) on \_\_\_\_\_  
at \_\_\_\_\_ (date)  
at \_\_\_\_\_ (time).

If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under the hand and seal of my office this \_\_\_\_\_ th day of 1950  
Claims Officer's Signature.

Seal

\* To be scored off, in case no document has been summoned from the witness

**SCHEDULE**  
**FORM D**  
*Register of Revisions*

Date when Petition received or notice issued	S. No.	Index No.	Name & address of petitioner	Name of Claims Officer who verified the claim	Date when file requisitioned from Central Office	Date when file received from Central Claims Office	Amount claimed by Petitioner					Date of hearing	Amount allowed in revision					Number and date of letter by which case returned to Central Claims Office	Remarks
							A	B	C	D	Total		A	B	C	D	Total		
1	2	3	4	5	6	7	8					9	10					11	12

[No. 2(6)/CCC/G.-50.]

C. G. SURI,

for Jt. Chief Claims Commissioner.

**MINISTRY OF LABOUR**

*New Delhi, the 31st October 1950*

**S.R.O. 903.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947) the Central Government is pleased to publish the award of the Industrial Tribunal, constituted by Order of the Government of India in the Ministry of Labour No. LR 2(215)/I, dated the 5th October 1949, in the matter of the complaint in this behalf under section 38A of the said Act.

**BEFORE MR. M. C. SHAH, INDUSTRIAL TRIBUNAL, BOMBAY**

Complaint No. 3 of 1950

IN

Reference (IT-CG) No. 2 of 1950

BETWEEN

The Asian Assurance Company Limited, Bombay

AND

Its employees in its Head Office

*In the matter of a complaint under section 38A of the Industrial Disputes Act, 1947.*

*Appearances :*

Mr. M. V. Paranjape, instructed by Mr. R. A. Menezes, General Secretary, Asian Assurance Employees' Union, for the complainants.

Mr. G. P. Tolani, Manager, with Mr. R. M. Coutts, Agency Superintendent, for the Company.

**AWARD**

This is a complaint under section 38A of the Industrial Disputes Act, 1947, by 129 employees of the Asian Assurance Co. Ltd., who have two grievances viz., (i) that the Company has withheld the increments due to the employees as from 1st April 1950, and (ii) that it has discontinued the long-standing practice of granting the earned leave salary to the employees in advance of the commencement of their leave period; and it is urged that these are alterations in the conditions of service and therefore amount to a contravention of section 38A of the Act. The facts are not in dispute but the Company has urged that as the provisions of section 38A are not retrospective and as these orders complained of were passed on 1st April 1950, prior to the coming into operation of the said section 38A the complaint did not lie. It is contended that the increments could not be demanded as of right, that the granting of the same depended entirely upon the Company's financial position and its capacity to pay, and that in the present state of affairs the Company was not in a position to grant the increments. As for the discontinuance of the practice of advance payment of the leave salary, the Company has urged that it was done in the interest of the employees themselves, and, that apart from it, the payment was entirely a matter of grace and the Company cannot be compelled to continue it. Besides, the grant of the leave salary was not any of the conditions of service and there was therefore no contravention of any conditions of service.

2. The Company has introduced salary scales for the employees from January 1947 under which the increments became payable on 1st April of each year. No order as such was passed regarding stoppage of the increment, but

on 1st April 1950 the Company simply paid the salary as before without giving the increment. I have held in complaint No. 2 of 1950 that section 88A has no retrospective effect. Mr. Tolani's contention is that the stoppage of the increment and therefore the injury to the employees took place on 1st April 1950, although its effect might be felt by them in subsequent months, and that the injury having been caused prior to the enactment of section 88A, the complaint for the same was not maintainable. Mr. Paranjape's reply was that the non-payment of the amount of the increment was continuous and occurred every month and that the non-payment on 1st June 1950 and in subsequent months gives a recurring cause of action for which a complaint can lie. In the view I am eventually taking the point is of academic interest only and I do not consider it necessary to decide it.

3. I have prescribed revised salary scales for the employees, by the main award, with effect from 1st January 1950 and the employees are going to get the difference in the pay with effect from that date. Therefore it will not be necessary, nor would it be proper, to award to them the amount of the increment that has not been paid from 1st April 1950 onward. To do so, will amount to paying them twice over. No payment for this demand need therefore be ordered on the complaint.

4. As for the stoppage of the advance payment of the leave salary, the payment thereof was made as a matter of grace and it did not form part of the service conditions applicable to the employees (*vide* Ex. 4 in Complaint No. 2 of 1950). The complainants themselves call it a practice of long-standing and not a condition of service. If that was so, the employees had no right to insist upon the granting of the leave salary in advance. It was a concession which the Company was making, and it was open to the Company to withdraw it at any time. The discontinuance of the payment in advance of the leave salary will not therefore amount to a change in the conditions of service and the complaint in respect of it is not maintainable. Accordingly it is dismissed. No order as to costs.

(Sd.) M. C. SHAH,  
Industrial Tribunal.

(Sd.) K. R. WAZKAR,  
Secretary,  
Bombay, 7th October 1950.

[No. LR 2(255)/(2).]

**S.R.O. 904.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947) the Central Government is pleased to publish the award of the Industrial Tribunal, constituted by Order of the Government of India in the Ministry of Labour No. LR 2(215)/I, dated the 5th October 1949, in the matter of the complaint in this behalf under section 88-A of the said Act.

BEFORE MR. M. C. SHAH, INDUSTRIAL TRIBUNAL, BOMBAY  
Complaint No. 2 of 1950

IN

Reference (IT-CG) No. 2 of 1950

BETWEEN

The Asian Assurance Company Limited, Bombay

AND

Its employees in its Head Office

In the matter of a complaint under section 88A of the Industrial Disputes Act, 1947.

*Appearances :*

Mr. M. V. Paranjape, instructed by Mr. R. A. Menezes, General Secretary, Asian Assurance Employees' Union, for the complainants.

Mr. G. P. Tolani, Manager, with Mr. R. M. Coutts, Agency Superintendent, for the Company.

## AWARD

This is a complaint under section 38-A of the Industrial Disputes Act, 1947, by five clerical employees of the Asian Assurance Co. Ltd., whose services have been terminated by the Company by a notice dated 27th April 1950 during the pendency of reference (IT-CG) No. 2 of 1950. Of these Mr. G. R. Bolakanji was a permanent employee and the remaining four were temporary hands. There case is that there was no justification for the reduction of the staff and that the reduction was made in order to create an atmosphere of nervousness and apprehension in the mind of the employees so that they may not press their demands pending before this Tribunal. The Company has denied the allegations and has contended that the reduction was solely as a measure of retrenchment which became absolutely necessary on account of the strained financial position of the Company, that the Company had made an allround reduction in expenses and that this was part of the general scheme of retrenchment undertaken by the Company with that object. Mr. Tolani, the Manager of the Company, has taken a preliminary objection, *viz.*, that the retrenchment having been effected prior to the enactment of section 38-A of the Act, the case was not covered by the said section and the complaint was not maintainable.

2. I will first deal with this preliminary objection. The Industrial Disputes Act, 1947 was amended by virtue of section 34 of the Industrial Disputes (Appellate Tribunal) Act, 1950 and as a part of the scheme of amendment section 38-A was added to the Industrial Disputes Act. By the section it was provided that where an employer contravenes the provisions of section 38 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention, may make a complaint in writing to such Tribunal and the Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of the Act. An amendment was also made in section 38 of the Act and the section as amended required the conditions of service, etc., to remain unchanged during the pendency of proceedings before a Tribunal in respect of any industrial dispute and it also prevented the employer from discharging or punishing, whether by dismissal or otherwise, any workman concerned in the dispute. Section 38-A conferred a substantive right on the employee to institute a proceeding before a Tribunal in the shape of a complaint and invested the Tribunal with the jurisdiction to adjudicate upon it. It is not correct to say, as has been done by Mr. Paranjape for the employees, that the section is merely procedural and prescribes only a remedy. Mr. Paranjape's contention has been that by the insertion of section 38-A only the mode was altered and that instead of the Government making a reference to the Tribunal the party could now apply to the Tribunal directly, and that this being merely an alteration in the procedure the section should be taken as having a retrospective effect. The contention is not correct. The section confers a substantive right on the employee to institute proceedings against the employer by way of a complaint, and it imposes a new disability on the employer in respect of certain acts; and evidently a provision which confers a substantive right on a party and imposes a corresponding disability on the other party cannot have a retrospective effect. Under the Act, prior to the insertion of section 38-A a breach of section 38 was punishable under section 31(1) of the Act by prosecution of the employer.

There was no provision whatever in the nature of a complaint to the Tribunal and of that complaint being adjudicated upon as if it had been referred to the Tribunal. That right has been conferred by section 38-A for the first time and it is not a case of the right having been in existence before, but not being exercisable by the employee. Mr. Paranjape's contention that the employee was merely given a remedy and therefore the section is merely procedural has thus no substance whatever.

3. "They (Statutes) are construed as operating only in cases or on facts which come into existence after the statutes were passed unless a retrospective effect be clearly intended. It is a fundamental rule of English law that no statute shall be construed to have a retrospective operation unless such a construction appears very clearly in the terms of the Act, or arises by necessary and distinct implication. No rule of construction is more firmly established than this: that a retrospective operation is not to be given to a statute so as to impair an existing right or obligation, otherwise than as regards matter of procedure, unless that effect cannot be avoided without doing violence to the language of the enactment. If the enactment is expressed in language which is fairly capable of either interpretation, it ought to be construed as prospective only" (Maxwell on the Interpretation of Statutes, Ninth Edition, page 221). The words used in section 38-A are, "where an employer contravenes the provisions of section 38" and these words mean contraventions which took place subsequent to the Act coming into force; at any rate there is nothing to suggest that a retrospective operation was intended to be given to the provisions of the said section. The Company here had a right not to be proceeded against by way of a complaint for any change in the conditions of service or a discharge of an employee pending the adjudication proceedings add that right cannot be defeated retrospectively. It must be held therefore that section 38-A has no retrospective effect.

4. There is no real dispute regarding the facts. Admittedly except for Mr. Bolakani the other complainants were temporary hands. But in respect of them Mr. Paranjape's contention has been that as they had completed more than 6 months' service at the time of the retrenchment they were entitled to be confirmed under their conditions of service, that the Company's failure to confirm them should not be reckoned against them, that for the purposes of termination of service they should be taken to be permanent hands, and that on that footing they were entitled to one month's notice. The condition is untenable and under condition No. (4) of the conditions of service (Ex. 4) the question of confirmation was to be considered by the Company within a reasonable time after the expiry of the probationary period, the work of the incumbent being found satisfactory. Apart from it, the probationary period could be extended according to the discretion of the management. Confirmation was therefore in the management's discretion and as these employees had not been confirmed, it must be taken that they were not permanent hands. Under condition No. 5 only permanent employees were entitled to a calendar month's notice. The services of the non-permanent employees could be dispensed with by 14 days' notice in writing or wages in lieu of notice under section 66 of the Bombay Shops and Establishments Act, 1948. The complainants Nos. 1 to 4 viz., those other than Mr. Bolakani, were therefore liable to be retrenched on 14 days' notice. The Company has given them a notice dated 27th April 1950 intimating that their services stand terminated with effect from 80th April 1950 that they will not be required on and from 1st May 1950 and that they will be paid 15 days' salary in lieu of notice. The termination of the services, and even the expiry of the notice period, was prior to the coming into effect of section 38-A of the Act, which latter was on 20th May 1950, and that being so the section will have no operation in this case and their complaint is not maintainable.

5. As for Mr. Bolakani, he was given a notice on 27th April 1950 (Ex. 5) informing him that "as a measure of retrenchment his services stand terminated with effect from 31st May 1950 and that his services will not be required on and from 1st June 1950. He should, however, hand over charge on 29th April 1950 and proceed on one month's leave due to him." The act of the termination of his services took place on 27th April 1950 and he was relieved of the charge on 29th April and was paid one month's salary in lieu of the leave. The act complained of *viz.*, the termination of his service is the subject of the complaint, and as that occurred prior to the enactment of section 33-A the complaint is not maintainable, even though the date from which the termination was to take effect was subsequent to the coming into force of section 33-A. Assuming, however, that the complaint of Mr. Bolakani is maintainable, the termination of his services was due entirely to measures of allround retrenchment and economy which the Company had undertaken in order to improve its general financial position, which latter was quite necessary to be done. There is no substance in the suggestion made for the employees that the retrenchment was made with a view to creating an atmosphere of nervousness and apprehension in the mind of the employees so that they may not press their demands before the Tribunal, and this allegation has not been substantiated. That being so, even on the merits, there is no case for Mr. Bolakani's reinstatement. The complaint fails and is dismissed. No order as to costs.

(Sd.) M. C. SHAH,  
Industrial Tribunal.

(Sd.) K. R. WAZKAR,  
*Secretary,*

Bombay, 6th October, 1950.

[No. I.R. 2(255)/(3)]  
N. C. KUPPUSWAMI, Under Secy.

### MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 27th October 1950

**S.R.O. 905.**—In exercise of the powers conferred by section 8 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that every producer who has a spinning plant shall submit to the Textile Commissioner to the Government of India, CST-Section, Wittet Road, Ballard Estate, Bombay, true and accurate information relating to the production in each month in his undertaking of yarn and fabric from staple fibre on or before the 10th day of the following month in the form appended hereto.

*Explanation.*—The word "producer" shall have the same meaning as it has in the Cotton Textiles (Control) Order, 1948.

#### FORM "CST-STAPLE"

*Production of yarn and fabric from 100 per cent. Staple Fibre during the calendar month of.....1950.*

Name of Producer.....

Address.....

State..... Tex-mark No.....

1. Total number of spindles installed in the undertaking.....
2. Number of spindles worked on Staple Fibre.....
3. Quantity of Staple Fibre Yarn spun during the month in lbs .....
4. Number of looms engaged on staple fabric with their respective widths .....
5. Total quantity of staple fabric woven in yards.....

[No. 9(9)-Tex. 1/49]

B. K. KAUL, Dy. Secy.

*New Delhi, the 8th November 1950*

**S.R.O. 906.**—In exercise of the powers conferred by section 8 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following amendments shall be made in the Kutch Colliery Control Order, 1950, namely:—

(1) In clause 8 after the words “including directions as to the”, the words “grade, size and quantity of coal which may be disposed of and” shall be inserted.

(2) After clause 10, the following clause shall be inserted, namely:—

“10A. (1) The Coal Commissioner with the Government of India may, by order in writing direct, that any coal despatched by any colliery owner, or a person acting on behalf of a colliery owner, to any person, which is in transit, shall, subject to such terms and conditions, if any, as the said Coal Commissioner deems fit, be diverted and delivered to another person specified in the order.

*Explanation.*—For the purposes of this clause coal shall be deemed to be in transit from the time when it is delivered to a carrier or other bailee for transmission to the consignee thereof and until the consignee or his agent has taken actual delivery of the entire quantity of coal from such carrier or other bailee.

(2) As soon as an order is made under sub-clause (1), all the rights of the consignee, the owner of the colliery, or other person in the said coal shall subject to the terms of the order devolve upon and vest in the person to which the coal is to be delivered under the said order.

(3) The Coal Commissioner with the Government of India may if he thinks fit modify or cancel any order made under sub-clause (1) and direct the coal to be diverted or delivered to a person other than the person originally named therein and the provisions of this clause shall thereupon apply as if such person was the consignee of the coal.

(4) The person to whom coal is delivered under any order made under clause (1) or clause (3) shall pay such price including freight, loading insurance and other charges and to such person as the Coal Commissioner with the Government of India may direct.

(5) Where an order is made under sub-clause (1), there shall be paid to the consignee of the coal such compensation as the said Coal Commissioner considers reasonable. Such compensation may at the option of the said Coal Commissioner be either:—

- by delivery to such consignee by the Central Government of the same quantity of coal of same or similar quality, size and grade and at the same place, as soon as coal for such purpose is available, or
- by payment to such consignee by the Central Government of monetary compensation consisting of the price of coal paid by him and such freight insurance, loading and other lawful charges incurred by him as are allowed by the said Coal Commissioner:

Provided that where the consignee fails to produce before the said Coal Commissioner satisfactory evidence regarding the price of coal paid and other charges incurred by him, the said Coal Commissioner may fix the amount of compensation according to the best of his judgment:

Provided further that where compensation under clause (a) is not made within 90 days from the date of the order under sub-clause (1) the consignee shall be entitled to compensation under clause (b).

- Where any person other than the consignee claims any interest in the said compensation or the consignee fails to accept the said compensation, within 15 days after notice requiring him to do so, the said Coal Commissioner may fix the amount of compensation under sub-clause (b) of clause (5) and after such enquiry as he thinks fit specify the person to whom such compensation shall be paid.
- The decision of the said Coal Commissioner regarding the amount of compensation and the person to whom such compensation is payable, shall be final.
- Where a consignee is compensated in the manner provided in sub-clause (5) neither he nor any other person claiming under him shall have any further claim upon the Coal Commissioner with the Government of India or upon the Central Government in respect of the said compensation or otherwise, whatsoever.
- The payment of the compensation fixed under clause (b) of clause (5) to a person specified by the Coal Commissioner with the Government of India under sub-clause (8) shall be a full discharge of the Central Government and the said Coal Commissioner from all liability in respect of the coal specified in the order made under sub-clause (1) to which such compensation relates and of all other claims arising out of the said order or otherwise, whatsoever.
- Nothing contained in sub-clauses (8) and (9) shall prejudice any rights in respect of the said Coal including a right to receive compensation to which any person may be entitled under the law against the consignee or a person to whom compensation is paid under 15 days.
- Any order made under this clause may be served upon the person affected thereby either by registered letter addressed to such person at his place of residence or the last known place of residence or by publication in the Official Gazette of the State where he ordinarily resides.
- The powers conferred upon the Coal Commissioner with the Government of India under this clause may be exercised in the like

manner and subject to the like conditions by any officer authorised by him in writing."

(3) After clause 12, the following clauses shall be inserted, namely:—

"12A. Notwithstanding anything hereinbefore contained in this order, an authority competent to allot coal under this order shall allot it, subject to such conditions as the Central Government may specify.

12B. A person who has allotted coal under this order, shall not use it otherwise than in accordance with the conditions contained or incorporated in the document containing the order of allotment and shall not divert or transfer any such coal to any other person except under a written authority from the Central Government.

12C. Where, on any information received or otherwise the Central Government is satisfied that a person who has been allotted coal under this order does not require the whole quantity of the coal so allotted or any part thereof for the purpose for which it was allotted, the Central Government may, by order in writing, direct such person to deliver the whole quantity of such coal or any part thereof, as the case may be, to such person and at such price as may be specified in the order.

12D. (1) Every person who has been allotted coal under this order shall maintain a record containing the following particulars, namely:—

- (a) the quantity of coal allotted of each grade and size;
- (b) the quantity consumed of each grade and size of coal; and
- (c) the purpose for which it was consumed.

(2) The Central Government, with a view to satisfying itself, that any coal allotted under this order is utilised for the purpose for which it was allotted, may call upon any person to submit such information or returns as the Central Government may deem fit

12E. No person shall acquire or purchase or agree to acquire or purchase any coal from a colliery and no colliery owner or his agent shall despatch or agree to despatch or transport any coal from the colliery except under the authority and in accordance with the conditions contained in a general or special authority of the Central Government."

(4) In clause 15:—

(a) for the word and figures "13 and 14" the words and figures "12A, 12B, 12C, 12D, 12E, 13 and 14" shall be substituted;

(b) for the words and brackets "and the Deputy Coal Commissioner (Production)" the words and brackets "the Deputy Coal Commissioner (Production) and the Joint Deputy Coal Commissioner (Distribution) shall be substituted.

[No. 226].

S. BHoothalingam, Joint Secy.